



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200400407

Date: August 17, 2004

Comments Due: September 16, 2004

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Morelli Park Improvement project, which would result in impacts to approximately 0.18 acres of waters of the United States, including wetlands, in or adjacent to the Stockton Deep Water Channel. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: City of Stockton, Department of Housing and Redevelopment, ATTN: Kitty Walker, 22 East Weber Avenue, Room 350, Stockton, California 95202, 209-937-8811

LOCATION: The approximately 10-acre Morelli Park Improvements project site is located in Stockton, Township 1 North, Range 6 East, San Joaquin County, California, and can be seen on the Stockton West USGS Topographic Quadrangle and the attached drawings. The site is located at the confluence of Mormon Slough and the Stockton Deep Water Ship Channel, north of Weber Avenue, and partially under the Interstate 5 overpass on the south bank of the ship channel.

PROJECT DESCRIPTION: The overall project purpose is to expand recreational boating opportunities in the City of Stockton, by increasing the availability of boating facilities to include boat launching and retrieval capacity, fueling and boat dry storage. The applicant believes there is a need to increase the availability of boating facilities as the public demand for such facilities has increased largely due to recent and current redevelopment of the downtown area. The project would involve widening the existing boat ramp from two lanes to four lanes, replacing the existing single floating dock with three floating docks, relocation of two outfalls, installing rip rap for bank protection for the boat ramp and outfalls, constructing a dry boat storage structure, increasing the parking capacity, and renovating the restrooms and day use areas. The boat ramp widening, outfalls, and placement of rip rap would result in adverse impacts to 0.18 acres of waters of the United States on the project site. Approximately 2.8 acres of waters of the United States have been identified on the project site. These waters include portions of the Stockton Deep Water Ship Channel and Mormon Slough. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 2.8 acres of open water and no associated wetlands within the project area. The site is characterized by impervious surfaced parking lot, service road and boat ramp. The remainder of the area not covered by impervious surfaces consists of landscaping, ruderal areas around the parking lot and service road, open water and the bulkheaded and riprapped river bank. Habitat value is relatively low in the area because it is mostly disturbed by old industrial development, roads and newer redevelopment activity. Aquatic habitat values are also relatively low due to somewhat stagnant conditions, periodically low dissolved oxygen, high turbidity and high water temperatures. About half of the project site is located under the Interstate Highway 5 bridge. The area just across Mormon Slough to the north of the project site has been cleared in preparation for the City's redevelopment plans. Commercial boating businesses are located across the ship channel. The Port of Stockton is located downstream on the west side of Interstate Highway 5. Much of the waterfront upstream at the ship channel terminus has already been developed with marinas and boat docks.

Alternatives. The applicant has provided information concerning project alternatives. The applicant proposed four alternatives in addition to their preferred alternative. The No-Project alternative would eliminate all work in waters. Construction would be limited to the parking lot expansion, road modifications, the dry stack boat storage facility and restroom improvements. The Off-site Four-lane alternative would require the development of a new boat launch facility either through elimination of existing waterfront development or encroachment into an undeveloped area. The Boat Hoist alternative would exchange the extra two lanes for a hoist. The Three-lane On-site alternative reduces the expansion from four lanes to three lanes. Additional information concerning project alternatives may be available from the applicant or their agent.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board is required for this project. The applicant has indicated they have applied for certification. The applicant has also indicated they have applied for a California Department of Fish and Game streambed alteration agreement.

HISTORIC PROPERTIES: Based on the available information including the applicant's report entitled *Cultural Resources Supplemental Report for the Morelli Park Improvement Project*, cultural resources are not within the project's area of potential effect.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate for Central Valley steelhead, Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, and delta smelt.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400407, must be submitted to the office listed below on or before September 16, 2004:

Marc Fugler, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Marc.A.Fugler@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Marc Fugler, 916-557-5255, Marc.A.Fugler@usace.army.mil.

Attachments: 3 drawings